

**PROGRAM INTEGRITY
REQUEST FOR REGULATION INTERPRETATION**

INSTRUCTIONS: Complete items 1 -10 of the form. Use a separate form for each policy interpretation request. Retain a copy of the Word Document for your records, and submit via email to: PIBPolicy@dss.ca.gov.

1. REQUESTOR NAME: Virginia Marquez	5. COUNTY: Santa Clara
2. PHONE NO: (408) 755-7285 EMAIL: virginia.marquez@ssa.sccgov.org	6. SUBJECT: Write off of Calfresh and Calworks Debts
3. REGULATION CITE(S): 45 CFR§233.20(a)(13)(B)(3), MPP§44-.350.161(a), 22-403	7. REFERENCES: (ACLs/ACINs, COURT CASES Etc.) 7 CFR 273.18(e)(8)(ii)(E), and 7 CFR 273.18(n)(1)(i)
4. DATE OF REQUEST: 05/09/2017	8. DATE RESPONSE NEEDED: 06/09/2017

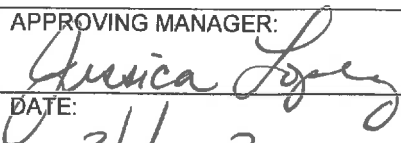
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

At what age can a county write off CalFresh and CalWORKs non Intentional Program Violation (IPV) debts when there is no transaction activity?

10. REQUESTOR'S PROPOSED ANSWER:

11. CDSS RESPONSE:

(see attached)

PROGRAM INTEGRITY ANALYST: Chris Daniels	APPROVING MANAGER: 
DATE:	DATE: 3/1/2018

DATE RESPONSE RECEIVED/LOG # (CDSS Use Only):

5/10/17 - PI 17-25

Please note: The policies expressed in this response are based on the unique set of facts presented and should not be presumed to apply in other situations.

CalWORKs

The debt shall not be written off. The debt shall be sent to Franchise Tax Board (FTB) for intercept after it is 3 months' delinquent. This program is mandatory for CalWORKs debt.

Per 45 CFR § 233.20(a)(13)(B)(3), if the State recovers from individuals who are no longer recipients, or from recipients who refuse to repay the overpayment from their income and resources, recovery shall be made by appropriate action under State law against the income or resources of those individuals.

Per MPP § 20-403.1, the CalWORKs/FS Intercept Program is a program designed to assist the counties in the collection of delinquent welfare overpayments/overissuances.

Per MPP § 20-403.1, cases for FTB must be delinquent at least 3 months, but may be more than 10 years old and have an overpayment/overissuance(s) of at least \$10.

Per MPP § 44-350.161(a), there is no age limit on writing off debts for CalWORKs. Counties shall maintain information regarding the uncollected overpayments to enable recoupment should any individuals from the prior overpaid assistance unit reapply.

Calfresh

*The debt shall not be written off. The debt shall be sent to Treasury's Offset Program (TOP) for intercept after it is 180 days' delinquent.

Per 7 CFR 273.18(e)(8)(ii)(E), if the claim is delinquent for three years or more then you must terminate and write-off the claim unless you plan to continue to pursue the claim through TOP.

*Per 7 CFR 273.18(n)(1)(i) the county must refer to TOP all recipient claims that are delinquent for 180 or more days.

(*) Per ACL 16-108, the Federal Digital Accountability and Transparency Act (DATA Act) of 2014, enacted on May 9, 2014, changed the reporting time requirement on State agencies for referring legally enforceable non-tax debt to the TOP from 180 days to 120 days.